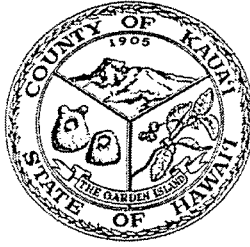


**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Mason K. Chock  
Gary L. Hooser  
Arryl Kaneshiro  
KipuKai Kualii  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone (808) 241-4188  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

**MEMORANDUM**

December 17, 2015

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Mel Rapozo, Council Chair *MR*

RE: **DECEMBER 16, 2015 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its December 16, 2015 Council Meeting:

**CONSENT CALENDAR:**

C 2015-306 Communication (11/09/2015) from the County Engineer, transmitting for Council consideration, a Resolution Establishing Crosswalks And Bicycle Lanes On Puhi Road, County Of Kauai. *(Received for the Record.)*

C 2015-308 Communication (11/24/2015) from the County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk Across Rice Street, Lihue District, County Of Kauai, to provide improved connectivity for the immediate residential community to businesses and other destinations in the area, which includes rectangular rapid flashing beacons at the crosswalk to make it more visible and increase awareness of motorists traveling on Rice Street. *(Received for the Record.)*

C 2015-309 Communication (12/01/2015) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quaterly report as of November 3, 2015. *(Received for the Record.)*

C 2015-310 Communication (12/03/2015) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the following reappointments to the Kauai Historic Preservation Review Commission for the County of Kauai:

- Althea Kalei Lovell Arinaga (Archaeology) – Term ending 12/31/2018
  - Lawrence Chaffin, Jr. (At-Large) – Term ending 12/31/2018
- (Received for the Record.)*

COMMUNICATIONS:

C 2015-297 Communication (11/16/2015) from the Director of Human Resources, transmitting for Council information, the November 15, 2015 report, pursuant to Section 19 the Operating Budget Provisos of the County of Kaua'i for the Fiscal Year 2015-2016, which includes new hires, transfers, reallocations, promotions, and vacancies for the period July 1, 2015 to November 15, 2015. ***(Received for the Record.)***

C 2015-307 Communication (11/16/2015) from the County Engineer, transmitting for Council consideration, a Resolution Establishing A Bicycle Lane Along Olohena Road, Kawaihau District, County Of Kaua'i, as a result of an engineering study completed as part of the recent resurfacing project on Olohena Road. ***(Received for the Record.)***

C 2015-311 Communication (09/14/2015) from the Director of Finance, transmitting for Council consideration, a proposal to establish a new Article under Chapter 5 of the Kaua'i County Code 1987, as amended, to establish a General Excise and Use Tax Surcharge for the County of Kaua'i. ***(Received for the Record.)***

C 2015-312 Communication (11/24/2015) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration the following proposals to be included in the 2016 HSAC Legislative Package, which were approved by the HSAC Executive Committee on September 11, 2015 and November 23, 2015:

2016 HSAC LEGISLATIVE PACKAGE:

1. A Bill For An Act Relating To Zoning (Proposed by the County of Kaua'i)
2. A Bill For An Act Relating To Tort Liability (Proposed by the County of Kaua'i)
3. A Bill For An Act Relating To Mopeds (Proposed by the City & County of Honolulu)
4. A Bill For An Act Relating To Counties (Proposed by the County of Maui)
5. A Bill For An Act Relating To Public Agency Meetings And Records (Proposed by the County of Maui)
6. A Bill For An Act Relating To Identification Cards For Persons With Disabilities (Proposed by the County of Maui)
7. A Resolution Requesting The Hawai'i State Legislature Urge Hawai'i's Congressional Delegation To Propose And Pass An Amendment Clarifying That Corporations Are Not People With Constitutional Rights, And That Unlimited Campaign Spending Is Not Free Speech (Proposed by the County of Hawai'i)  
***(Received for the Record.)***

C 2015-313 Communication (11/30/2015) from the Planning Director, transmitting the Planning Commission's recommendation regarding Proposed Draft Bill (No. 2601), which amends Subsection 8-15.1(d), Kaua'i County Code 1987, as amended, relating to Additional Dwelling Units on Other Than Residentially Zoned Lots, to eliminate the lapse of the special fund created to deposit revenues from the recertification process conducted between December 2014 to February 2015, and also eliminate the ten-year build out requirement for the Additional Dwelling Unit by striking language restricting issuance of building permits past December 15, 2024. *(Received for the Record.)*

C 2015-314 Communication (12/02/2015) from the County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2015-797, as amended, relating to the Capital Budget of the County of Kaua'i for the Fiscal Year 2015-2016, by revising the amounts estimated in the Bond Fund to appropriate funds to provide the additional required funding for the Hanalei Baseyard Fuel Tank Project. *(Hanalei Baseyard Fuel Tank Project – \$40,000) (Received for the Record.)*

C 2015-315 Communication (12/07/2015) from the County Attorney, requesting Council authorization to credit bid the judgment obtained in County of Kaua'i vs. Debra Marie Giraldo et al., Civil No. 15-00204 (United States District Court for the District of Hawai'i) and related matters. *(Approved.)*

#### LEGAL DOCUMENTS:

C 2015-266 Communication (10/01/2015) from the Director of Parks & Recreation, recommending Council approval of a License Agreement with Boys & Girls Club of Hawai'i, a non-profit Hawai'i corporation, for three (3) portables and a portion of the grounds immediately surrounding the portables located at the Kaua'i War Memorial Convention Hall in Līhu'e, Kaua'i, Hawai'i, being a portion of Royal Patent 4480, Land Commission Award 7713, Apana, Part I to V. Kamāmalu, to be used for youth-related activities in the Līhu'e area.

- License Agreement  
*(Approved as Amended.)*

C 2015-316 Communication (11/23/2015) from the County Engineer, recommending Council approval of a Limited Right-of-Entry Permit with the Department of Hawaiian Home Lands (DHHL), to allow for the removal of approximately five (5) cubic yards of sand from the Anahola river mouth area situated at Tax Map Key (TMK) Nos. (4) 4-8-012:010 (por.), (4) 4-8-018:028 and 029 (por.), and (4) 4-8-011:001 (por.), for the filling and placement of sand bags to repair erosion on 'Aliomanu Road in Anahola.

- Limited Right-of-Entry Permit  
*(Approved.)*

#### CLAIMS:

C 2015-317 Communication (11/24/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Maria Susan Ohlen, for personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2015-318 Communication (11/24/2015) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Damien Freitas, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

COMMITTEE REPORTS: **APPROVED.**

RESOLUTIONS:

Resolution No. 2015-64 – RESOLUTION ESTABLISHING CROSSWALKS AND BICYCLE LANES ON PUHI ROAD, COUNTY OF KAUA'I *(Approved.)*

Resolution No. 2015-65 – RESOLUTION ESTABLISHING A BICYCLE LANE ALONG OLOHENA ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I *(Approved.)*

Resolution No. 2015-66 – RESOLUTION ESTABLISHING A CROSSWALK ACROSS RICE STREET, LIHU'E DISTRICT, COUNTY OF KAUA'I *(Approved.)*

Resolution No. 2015-67 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION *(Althea Kalei Lovell Arinaga – Archaeology) (Approved.)*

Resolution No. 2015-68 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION *(Lawrence Chaffin, Jr. – At-Large) (Approved.)*

Resolution No. 2015-69 – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE *(Approved.)*

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2601) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 27, 2016 at 1:30 p.m., and referred to the Planning Committee.)*

Proposed Draft Bill (No. 2610) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUA'I *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 27, 2016 at 5:00 p.m., and referred to the Budget & Finance Committee.)*

Proposed Draft Bill (No. 2611) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND *(Hanalei Baseyard Fuel Tank Project – \$40,000) (Approved on 1<sup>st</sup> reading, Public Hearing scheduled for January 27, 2016 at 1:30 p.m., and referred to the Budget & Finance Committee.)*

BILLS FOR SECOND READING:

Bill No. 2602 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND (*Kauai Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (Operating Budget)*) **(Approved.)**

Bill No. 2603 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND CIP (*Kauai Police Department, KPAL Youth Center/Interim KPD Training Facility – \$300,000.00 (CIP Budget)*) **(Approved.)**

Bill No. 2605 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND CIP (*Coco Palms Resort Development Use Permit Conditions – \$110,000.00*) **(Approved.)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)  
KCT CCs (*Via E-mail*)  
Council Services Staff (*Via E-mail*)